

New Claims

The Restriction Requirement imposed in parent application 09/719,961 identified twelve (12) groups of claims. The new claims presented here are believed to correspond to the claims of Group XII of the Restriction Requirement imposed in the parent case. The change in language between the language of the claims submitted herein and the Group XII claims that were pending in the parent application is not a narrowing of claims but is only meant to delete potentially indefinite language and to prevent redundancy in the claims. For example, claim 36 of the parent application included the language "antibodies directed against a C-type lectin as expressed on the surface of a dendritic cell or a part fragment or epitope thereof" and claim 38 of the parent application included the language "a monoclonal antibody directed against a C-type lectin with the amino acid sequence of SEQ ID no. 1 or a natural variant or equivalent thereof; and/or a part, fragment or epitope thereof". The claims of the present application do not include the phrase "part, fragment or epitope thereof" but still fully encompass that concept. The present claims encompass an antibody that binds to a C-type lectin on the surface of a dendritic cell (claim 34) and limitations thereof as stated in dependent claims. The terms "part", "fragment" and possibly even "epitope" may be considered by some to be indefinite (the Patent Examiner of the parent application stated that such language was indefinite, although the applicants do not agree with such an assessment). Consequently the language has been changed. It is urged that an antibody that binds to a protein necessarily binds to only a part, fragment or epitope of the protein, i.e., the antibody always contacts only a part, fragment or epitope of a protein and never contacts the complete protein. It is further well known that even a small part or fragment of a protein that is not a part of its normally occurring whole antibody can be antigenic and that antibodies can bind to the part or fragment in isolation. The parts or fragments of proteins, whether as part of a complete protein or just an isolated portion of a protein, to which antibodies bind are known as epitopes. It is therefore urged that the present claim language stating that an antibody binds to a C-type lectin encompasses antibodies that bind to a part, fragment or epitope of the C-type lectin, because technically when one states that an antibody binds to a protein what is actually meant is that the antibody binds to a part of the protein that is known as an epitope.

Additionally, the language "natural variant or equivalent thereof" is no longer present because the language was considered indefinite by the Patent Examiner of the parent application. This language has been replaced by the phrases "at least 80% homologous to SEQ ID NO:2" or

"at least 90% homologous to SEQ ID NO:2". It is urged that the present language is definite. Support for the 80% and 90% language is found in the application at, e.g., page 17, lines 21-23. This language encompasses those natural variants and equivalents that are at least 80% or 90% homologous to said C-type lectin.

The Examiner is advised that, in addition to the pending parent application, a second divisional application with claims directed to Group X as set forth in the Restriction Requirement imposed in the parent application is being submitted concurrently with the instant application. The Examiner is invited to telephone the undersigned to expedite allowance of the instant application.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stephen A. Saxe". The signature is written in dark ink and is positioned above a horizontal line.

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